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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,176	10/28/2003	Robert Silva	29757/P-759	4294

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EXAMINER	
OMOTOSHO, EMMANUEL	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/695,176	**Applicant(s)** SILVA ET AL.	
	Examiner Emmanuel Omotosho	**Art Unit** 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 6/5/07 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *none*.
   Claim(s) objected to: *none*.
   Claim(s) rejected: *1-51*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Ronald Laneau

RONALD LANEAU
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: In regards to applicants argument that the examiner cites new reference against claims 1-15 and 17-51, applicant should respectfully note that the statement of rejection still reads the same as previously presented. The Cole reference is mention under the response to argument as mere evidence to the examiner's statement of what was well known in the art. In regards to applicants argument that the examiner introduces new grounds for rejection by introducing new reference lines, the examiner respectfully directs the applicants attention to page 11 of the final office action where it states that reference lines were added to further elaborate the examiner's interpretations as suppose to change the examiner's grounds of rejection. In regards to applicants argument that the examiner fail to address the limitation of preventing a second wager on a first game type if at least a predetermined(or nonzero) value payout associated with the first game type is determined and receiving wager data representing a second wager on the first game type if reset data is received. Examiner once again respectfully point out that this limitation was addressed. Please see Page 11 of the Final Office Action. Applicant further argues,
[While the action asserts that "[once] this winning event is determined, the controller does not offer the player to place a bet on the first game since the controller is programmed to generate the second level (game) once the winning event is determined (Co! 8 lines 6-20)", the portions of Slomiany et al. do not support this contention. (See action page 11, paragraph 14). In particular, column 8, lines 6-20 simply reads: {Turning now to FIG. 1, the first embodiment has each stage as a five-reel, five-line video slot machine. This is of a type of slot machine often called "Australian style." This machine allows the player to make a wager on one to five paylines, and allows a bet from one to nine coins bet on each payline for a maximum of forty-five coins bet per game. FIG. 1 shows the first three paylines, with payline 1 drawn horizontally across the center symbols, payline two drawn across the upper symbols and payline three drawn across the lower symbols}.]. However, there seems to be a misunderstanding here for this is not what the actual reference line Column 8 lines 6-20 reads. Column 8 lines 6-20 reads;
{the criterion for advancing from one stage to
the next is any win on the current stage. It is envisioned that other criteria
may be used in other embodiments, such as a special symbol, which while only
paying in certain configurations, would advance a player to the next level
anytime it appeared in the game. Turning now to FIG. 1, the first embodiment has each stage as a
five-reel, five-line video slot machine. This is of a type of slot machine
often called "Australian style." This machine allows the player to make a wager
on one to five paylines, and allows a bet from one to nine coins bet on each
payline for a maximum of forty-five coins bet per game. FIG. 1 shows the first
three paylines, with payline 1 drawn horizontally across the center symbols,
payline two drawn across the upper symbols and payline three drawn across the
lower symbols.}. Please see pages 11-12 of the Final Office Action. In regards to the applicant's argument that a win is not well known in the art to be a value payout of a predetermined amout or nonzero amount, the examiner respecfully disagrees, for the examiner's interpretation of "winning" in a gaming environment is a win of a value that does not equate to zero. For if it equate to zero, then it is deemed a "loosing" event. In regards to the applicants argument that the motivation to combine is improper. The examiner respectfully disagrees. The examiner respectfully direct the applicant's attention to page 7 of the Final Office Action where the examiner stated that the motivation comes from the well known system lockup that happens when a jackpot (a predetermined value event) event is encountered. The examiner's position is that one of ordinary skill in the art would be motivated to combine the references in order to prevent the system lockup event. In regards to applicant's argument that the double-patenting rejection is improper, the applicant further argues that "an obvious0type double patenting rejection can only exist between an application and an issued patent". The examiner disagrees on the double patenting rejection being improper but agrees that such rejection can only exist between an application and an issued patent. Hence, the rejection is proper since the references in question are Chamberlain US Patent Application 10/178876 and US Patent No. 6612927. A rejection that exist between an application and an issued patent.